IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 35 OF 2000

SANTONINUS D'SOUZA ... Appellant
Versus
ANTHONY D'SOUZA & ORS. ... Respondent

Mr. M. B. Da Costa, Senior Advocate with Mr. J. A. Lobo, Advocate for the Appellant.

Mr. R. G. Ramani, Advocate for the Respondent No.1.

Coram:- N. A. BRITTO, J.

Date:- 1st October, 2007

P.C.:-

Heard learned Senior Counsel Mr. M. B. Da Costa on behalf of the Appellants and Mr. R. G. Ramani, learned Counsel on behalf of the Respondent No.1.

The learned trial Court has held by the impugned Order that the Will dated 7-2-1985 executed at Mumbai would be taken into consideration only in the event the same is probated. Learned Counsel on behalf of the parties state that the probate proceedings are pending before the Principal seat of this Court at Mumbai.

Considering the impugned Order and the fact that the probate proceedings are still pending no useful purpose can be served by keeping this appeal pending before this Court. Accordingly the same is disposed off.

Needless to observe the trial Court will have to await the decision in the probate proceedings.

N. A. BRITTO, J.

RD.